



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/656,309	09/06/2000	Walter Callen	DIVER1350-2

Lisa A Haile Ph D  
Gray Cary Ware & Freidenrich LLP  
4365 Executive Drive Suite 1600  
San Diego, CA 92121-2189

RECEIVED

NOV 13 2000

GRAYCARY/GT PATENT

## FORMALITIES LETTER



\*OC000000005522711\*

Date Mailed: 11/01/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 690 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$1970.
  - \$774 for 43 total claims over 20.
  - \$936 for 12 independent claims over 3.
  - \$260 for multiple dependent claim surcharge.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):
  - This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required under 37 CFR 1.821(e).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-1123
- For CRF Submission Help, call (703) 308-4212
- PatentIn Software Program Support
- For Technical Assistance, call (703) 287-0200

05/21/2001 BNGUYEN1 00000002 501355 09656309  
01 FC:203 108.00 CH

04/06/2001 SSESKE1 00000064 09656309

01 FC:201  
02 FC:203  
03 FC:202  
04 FC:205  
05 FC:204

355.00 OP  
279.00 OP  
480.00 OP  
65.00 OP  
135.00 OP

- - To Purchase PatentIn Software, call (703) 306-2600

- The balance due by applicant is \$ 2790.

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*A copy of this notice MUST be returned with the reply.*



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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

CC CPI  
(YA)

## UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/656,309	09/06/2000	1633	0	DIVER1350- 2	9	51	15

Lisa A Haile Ph D  
Gray Cary Ware & Freidenrich LLP  
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San Diego, CA 92121-2189

## FILING RECEIPT



\*OC00000005522710\*

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NOV 13 2000

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GRAYCARY/GT PATENT

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Walter Callen, San Diego, CA ;  
Eric J. Mathur, Carlsbad, CA ;

## Continuing Data as Claimed by Applicant

THIS APPLICATION IS A CIP OF 09/391,340 09/07/1999  
WHICH IS A DIV OF 08/907,166 08/06/1997 PAT 5,948,666

## Foreign Applications

If Required, Foreign Filing License Granted 10/20/2000



Title

Enzymes having high temperature polymerase activity and methods of use thereof

## Preliminary Class

435

Data entry by : WOLDEGEORGIS, MAHELET Team : OIPE

Date: 11/01/2000





SECTOR #  
Box Sec  
PATENT 6.

ATTORNEY DOCKET NO. DIVER1350-2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Walter Callen et al. Art Unit: 1633  
Serial No.: 09/656,309 Examiner Unassigned  
Filed: September 6, 2000  
Title: ENZYMES HAVING HIGH TEMPERATURE POLYMERASE ACTIVITY AND METHODS OF USE THEREOF

Box MISSING PARTS  
Commissioner of Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS AND  
REQUEST FOR CORRECTED FILING RECEIPT**

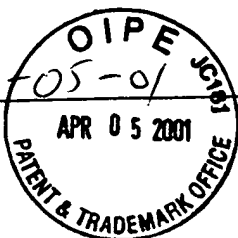
Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed November 1, 2000, Applicants submit the enclosed items 1 -5. Applicants also enclose items 6-13 with this response:

1. A copy of the Notice to File Missing Parts of Nonprovisional Application [2 pgs];
2. Petition for Extension of Time (3 months) [2 pgs];
3. Sequence Listing [8 pgs];
4. Disk [1];
5. Check in the Amount of \$1,799.00;
6. Verified Statement Under 37 CFR §1.821(f) [1 pg];
7. Statement Under 37 CFR §§1.821(f) and (g) [1 pg];
8. Amendment [1 pg];
9. Declaration For Patent Application [3 pgs];
10. Power of Attorney [2 pgs];

**DISK TO STICK**

DATE: 04-05-01



**CERTIFICATION UNDER 37 CFR §1.8**

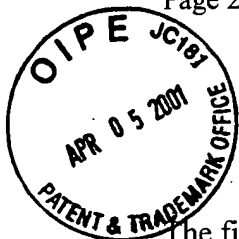
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date, March 30, 2001, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Lucille M. Bagalla  
Name of Person Mailing Paper

Lucille M. Bagalla  
Signature

In re Application of:  
Walter Callen, et al.  
Application No.: 09/656,309  
Filed: September 6, 2000  
Page 2

PATENT  
Attorney Docket No.: DIVER1350-2



11. Copy of Filing Receipt reflecting correction to be made;
12. Recordation Cover Sheet and Assignment [4 pgs]; and
13. Return Postcard.

The filing fee has been calculated as shown below: Please note that this application is entitled to **Small Entity status**.

	Number Filed		Number Extra		Rate			Fee	
					Small Entity	Other Entity		Small Entity	Other Entity
Total Claims	51-20	=	31	X	\$9	\$18	=	\$ 279.00	\$ .00
Independent Claims	15-3	=	12	X	\$40	\$80	=	\$ 480.00	\$ .00
Multiple Dependent Claims Presented: <u>X</u> Yes ___ No					\$135	\$270		\$135.00	
					BASIC FEE			\$355.00	\$710.00
					TOTAL BASIC FEE			\$1249.00	
					EXTENSION FEE			\$445.00	
					RECORDATION FEE			\$40.00	
					SURCHARGE FEE			\$65.00	
					TOTAL FEES			\$1,799.00	

Enclosed please find a copy of the Filing Receipt showing the correction to be made.

Please indicate that this application is entitled to **Small Entity** status.

The enclosed check in the total amount of \$1,799.00, represents \$1,249.00 for the Basic Filing Fee, \$445.00 for the three (3) month Extension Fee, \$40.00 for the Recordation of Assignment Fee, and \$65.00 for the Surcharge Fee. The Commissioner is hereby authorized to charge any other required fees, or credit any overpayment, to Deposit Account No. 50-1355. A copy of the Transmittal Sheet is enclosed.

Respectfully submitted,

Date: 3/30/01

Lisa A. Haile, Ph.D.  
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